

Original in RDB-CC-Gib 8/26

RECEIVED
STONES RIVER
NATIONAL BATTLEFIELD

DEPARTMENT OF THE ARMY
University of Wyoming Army R.O.T.C.
Laramie, Wyoming 82071-3167

1025'94

August 22, 1994

Stones River National Battlefield
ATTENTION: Tammy M. Calvin
3501 Old Nashville Highway
Murfreesboro, Tennessee 37129

Supt. *Wump*
☒ Chief Ranger
Staff Ranger
BNP&MA
Adm. Off.
Adm. Clerk
Chief Mail
Chief Wg.
Chief Clerk
Librarian
Remarks

Dear Tammy,

I wrote to you last year at this time inquiring if you had any information on the Regular Brigade monument in the Stones River National Cemetery. I'd like to extend some belated thanks for your reply.

I'm researching the operations and history of the Regular Brigade for a Master's Degree thesis. In the course of my research, I've come upon some information concerning the Regular Brigade monument that you may be interested in (of course, if you already know all of this, you can add all these papers to your scrap pile).

Enclosed are some copies of stories which ran in the *New York Times* in 1878 dealing with the court martial of Colonel Oliver L. Shepherd, the commander of the Regular Brigade during the Battle of Stones River.

This whole drama began in 1863 in the aftermath of the battle. Shepherd was hard at work rebuilding the brigade after its extreme losses inflicted during the battle when, on April 17th 1863, he was relieved of command. According to a letter in Shepherd's personnel file, Rosecrans told him that he "had not sufficient rank to command so important a body of troops as the Brigade had become," and "that a General must have command of it."

Brig. Gen. Robert S. Granger thus was given the command of the Regular Brigade. This really upset Shepherd as Granger was just a major in the Regular Army and thus Shepherd's junior. As Shepherd had recently been promoted to Colonel of the 15th U.S. Infantry Regiment, he packed himself off to regimental headquarters at Fort Adams, Rhode island, and performed the traditional duties of the Colonel of a Regular Regiment- which was basically nothing.

It was around this time that the idea of a monument to the Regular Brigade at Stones River was born. I'm not sure whose idea it originally was, but it was probably Shepherd as, for the rest of his life, he took great pride in pointing out the superb

performance of the Regular Brigade during the Battle of Stones River. He also did not have much of anything else to do in 1863 and 1864.

What is known is that the officers and men of the brigade donated around \$1,900 to establish a fund for the erection of a monument. The money was entrusted to Shepherd's care.

Shepherd at first invested the money in U.S. Government Bonds. From what I can gather, it was fairly common for Civil War veteran's organizations to invest their small initial funds in order to create sufficient capital to erect whatever monument or memorial they had in mind.

Upon Shepherd's retirement in 1870, he got involved with the real estate market in New York City. He initially made quite a bit of money, and decided to transfer the monument funds from bonds to real estate. That's when his troubles began. Starting in 1873, a severe depression hit real estate values and the net worth of Shepherd's properties took a nose dive.

At a Regular Brigade Survivor's Association reunion held in New York City in 1875, the subject of the monument fund's status came up. Shepherd offered what excuses he could, stating that the funds were in real estate and could not be liquidated until the market turned around. This answer proved sufficient until January 1878, when the Survivor's Association ran out of patience and filed charges of embezzlement against Shepherd with the War Department. The coverage in the *Times* details what happened at the court martial. I thought it was quite interesting that Shepherd's defense counsel was an up and coming New York corporate lawyer named Elihu Root. President McKinley appointed him as Secretary of War in 1899, and he became a very important figure in the history of the U.S. Army due to his reforming of the military establishment after the Spanish-American War.

Shepherd finally paid off the debt on February 28, 1881, when the last of \$3,758 (the original amount plus interest from 1864) was deposited at the Union Trust Company in New York City. He then lived out the rest of his life in relative obscurity and died on April 15th, 1894.

The final chapter of this story was written by W.T. Sherman, Commanding General of the Army. On March 7th, 1881, he published the following note in his Orders of the Day:

"Personally and officially I am deeply gratified to learn that the Sacred fund entrusted to Colonel O.L. Shepherd by his comrades of the Battle of Stone River Tennessee, has been made good by him. And so far as I am concerned wish that all officers of the Army to know that his good name is restored to him after the painful doubts & suspicions caused by his temporary misfortunes.

I doubt the wisdom of any Army officer in assuming the

care of Trust Funds. Such funds should be invested in U.S. Bonds and deposited in a sealed package in a respectable bank until the trust is fulfilled, and the trust paid out for the object for which it was contributed."

Sherman's words were evidently enough to repair Shepherd's reputation. He was buried with full military honors at St. John's Cemetery in Yonkers, New York, on April 19th, 1894.

The rest of the story of the Regular Brigade Monument you already know from Phisterer's *Regular Brigade in the Battle of Stone River*. I hope all of this info may be of some use to you and the staff at the Stones River Battlefield.

I have one final question for you. When I visited Stones River Battlefield last year, I noticed that you had on display the Medal of Honor awarded to Joseph R. Prentice, who was a member of the Regular Brigade's 19th U.S. Infantry. I would like to know whether you have any information on Prentice and/or the circumstances of how his medal came to be donated to the Stones River National Battlefield. Anything you could send me on this would be greatly appreciated. Here's my home address:

1727 Person Street APT #1
Laramie, Wyoming 82070-5428

Thanks again for the info you sent me last year.

Sincerely,



MARK W. JOHNSON
Captain, Infantry
United States Army

nal programmes are being prepared for both morning and evening services.

THE SHEPARD COURT-MARTIAL.

TRIAL OF COL. OLIVER L. SHEPARD ON CHARGES OF EMBEZZLEMENT—OUTLINE OF THE EVIDENCE.

The court-martial recently authorized by the War Department, at Washington, to investigate charges of embezzlement made against Col. Oliver L. Shepard, of Newport, R. I., held its second session yesterday at the Army Building, in Houston-street. There were present Col. William F. Barry, Second Artillery; Col. Henry J. Hunt, Fifth Artillery; Col. Marcus D. L. Simpson, Lieut.-Col. Romeyn B. Ayres, Third Artillery; Lieut.-Col. Elwell S. Otis, Twenty-second Infantry; Lieut.-Col. Henry M. Black, Eighteenth Infantry; Lieut.-Col. Chauncey McKeever, Major Gustavus A. DeRussy, Third Artillery; Major George P. Andrews, Fifth Artillery; Major John Hamilton, First Artillery; Major Clement L. Best, First Artillery; Major William H. Brown, Eighteenth Infantry; and also the Judge Advocate, Col. G. N. Leibert, and Col. O. L. Shepard and his counsel, Mr. Root.

The evidence which has been already taken in the case shows that while Col. Shepard was in command of the Regular Brigade of the Army of the Cumberland in 1863 and 1864, a fund of about \$2,000 was raised by the officers and soldiers of the brigade for the purpose of erecting a monument to the memory of the soldiers who fell in the battle of Stone River. This fund was intrusted to Col. Shepard, and nothing more was heard of it until a meeting of the officers of the Regular Brigade was held in this City in the latter part of 1875. At that meeting a committee was appointed, consisting of Col. S. B. Lawrence, Col. Gunther, and Capt. Kettles, to communicate with Col. Shepard with the view of inducing him to make a final disposition of the fund which would meet the wishes of the subscribers. From that time up to January last negotiations were carried on between the Chairman of this committee, Col. S. B. Lawrence, of this City, and Col. Shepard, which resulted in an appeal to the military authorities at Washington on the part of the committee. Among the witnesses who have already given their testimony before the court are Col. Lawrence and Mr. Phillip W. Crater, Assistant Cashier of the National Newark Banking Company, where Col. Shepard deposited the monument fund in 1864. The \$2,000 was then invested in Government bonds, which were afterward given as collateral security to raise a loan. In May, 1871, these bonds were sold to pay off the loan, and since the demand was made on Col. Shepard to apply the monument fund to the purpose for which it was originally intended, he has been endeavoring to dispose of some real estate he owns in this City to raise the money. He never denied having received the \$2,000, but when requested to hand it over to the committee appointed by the officers of the brigade he failed to do so, giving various excuses from time to time. Col. Shepard has not yet called any witnesses in his defense, the testimony for the prosecution not having yet closed.

LOCAL BUSINESS TROUBLES.

A meeting of the creditors of Kate Claxton,

bill now is—and urge its passage, a means to pay the necessary expenses. The Exchange did not feel it pay all the expenses, and they had of the dealers for the purpose of operation.

Mr. N. B. Killmer spoke strongly in favor of the bill, and urged united and determined action on the part of the milk-dealers. It had been expected to have ex-Judge Samuel D. May represent the dealers before the Committee at Albany, but that he was otherwise engaged, and could not attend. They were assured that a committee of members would have more influence. They did not propose to buy a monopoly with money, but to use the bill upon its merits alone. They why a milk-dealer should pay for as much for transporting his milk as he charged for the transportation, and he was of the opinion that a committee would be able to convince the justice of their demands.

Other speeches followed, after which it was proposed that each dealer pay a cent for each can of milk consumed by him, and that a fund to defray the expenses be raised. The amount was \$75. All those who were present received and sold daily, and came forward and pay their money. He added, to have the money, the committee would have to start for Albany in order to appear before the Railroad Commission to-day. A general resolution was passed, and \$67.75 was soon paid. Mr. George O. Kip was appointed to go to Albany, and to meet at 2 o'clock P. M.

At a meeting of the New-York Milk Dealers Association, held on Saturday last, a similar committee was appointed, consisting of Capt. H. Decker. It is the intention of the committee to co-operate at Albany.

THE PARK DEPARTMENT.

A deputation from the "Arboretum and Botanical Garden Company," consisting of Constable, of Arnold & Constable, and the Park Commissioners yesterday, presented a draft of a bill to the Legislature, and requested the Commissioners to transmit it to the Legislature for approval. The bill provides for the establishment of a botanical and zoological garden in the eastern portion of the Park, in the block between Ninety-seventh-street to Tenth-street, and from the western boundary of the Park to the outer boundary of the Park. The bill also provides that the land be established with private capital, and that the deputation that the matter further, and give the bill. The Commissioners were requested to call a committee of owners of property in the vicinity, a thoroughfare extending from the Station to the northern boundary, and requested them to acquire title to the land in accordance with the request. The bill was instructed to begin necessary steps to acquire the title.

RENUMBERING NORTH
The Dock Commissioners

**TRYING TO UNITE THE VARIOUS ELEMENTS
OPPOSED TO TAMMANY HALL—THE DIFFICULTIES IN THE WAY.**

The Executive Committee of the New-York County (Old Anti-Tammany) Democracy met last evening at the headquarters, No. 211 Union-square, Emanuel B. Hart presiding. Mr. Ira Shafer, on behalf of the Conference Committee, reported that a conference, with a view to union, had been held with Messrs. Oberer and Ottendorff, and they suggested that the committee should meet the gentlemen who have their headquarters at the Everett House and be presided over by ex-Register John McCool. It was understood that whatever took place at the proposed meeting should not be binding. The committee subsequently met, with Messrs. Hubert O. Thompson, James E. Morrison, ex-Senator John Fox, and others who had formerly acted with the County Democracy. There was a free and full conversation in regard to local political affairs. Mr. Emanuel B. Hart, on the part of the committee, proposed that inasmuch as the County Democracy had no organization, and had existed since 1875, there was no objection to the gentlemen who met at the Everett House joining with it in the war against Tammany Hall. He stated that neither he (Mr. Hart) nor Mr. Shafer desired to retain their positions in the County Democratic organization, the former as the Chairman of its Executive Committee and the latter as Chairman of its General Committee; they were perfectly willing to vacate their offices. Mr. Nelson J. Waterbury, speaking for the Everett House gentlemen, said that the County Democracy was a thing of the past, and argued that there must be an entirely new organization formed, and others of those present appeared to concur with him. As the committee had no power to disband the organization, all that could be done was to make an appointment to meet with the Everett House party next Friday. Mr. Shafer said that it was a matter of judgment as to whether the County Democracy should disband. There was no disguising the fact that it had an organization. There had been some dissatisfaction, but the mass of the Anti-Tammany Democrats was with it. If a disbandment took place its disbanded members would be confronted with the Brunswick Hotel Democracy, of which Mr. John B. Haskin, who had formerly been identified with Tammany Hall, was Chairman, and of which Mr. James O'Brien, who had formerly been a member of their own organization, and who had left for inexplicable reasons, was a leading member. It was true that friends had been found at the Everett House, but there were others who had been dissatisfied with the organization, and the latter asked them to lay down their arms and join hands. He was not prepared to say that a union was as yet expedient.

Mr. Shafer moved that the committee be instructed to report to the Everett House Democrats that it was the sense of the meeting that it was inexpedient to disband the organization, but that it was entirely willing to unite with all Democrats opposed to Tammany Hall. Judge Henry D. Murray thought it would be expedient to join with the Everett House Democrats. He thanked the organization for its uniform kindness to him since his connection with it, and said he had the kindest feelings for it. Something, however, should be done to unite the elements opposed to Tammany Hall. Messrs. Shafer, Bixby, Hart, and others were highly respected by the Everett House gentlemen, and would have due strength in any organization formed under their auspices. It was well known that their organization could not win single-handed. He favored a union with the Brunswick Hotel Democrats and all honestly opposed to Tammany Hall. Senator Bixby opposed a disbandment. The organization had been formed out of the Apollo Hall Democracy, and had been battling with Tammany Hall for 10 years. There was nothing known positively as to the strength of the Everett House Party, and he

be carried on before the matter is finally settled.

**THE SHEPARD COURT-MARTIAL.
CLOSING ARGUMENTS ON BOTH SIDES—PROBABILITY THAT A DECISION WILL BE REACHED TO-MORROW.**

The testimony in the Shepard court-martial, which has been in session at the Army Building, in Houston-street, during the past week, having closed on Tuesday, the court heard the arguments of Mr. Elihu Root for the defense yesterday, and of the Judge Advocate, Col. G. N. Leiber, for the prosecution. Mr. Root delivered an impressive address to the members of the court, in the course of which he reviewed the evidence of Mr. Homer Morgan and other real estate brokers who were examined as witnesses for the defense, with the view of establishing the innocence of Col. Shepard in respect to the charges made against him. He argued that the accused never had any intention of diverting the monument fund subscribed by the officers and soldiers of the Regular Brigade, Army of the Cumberland, from the purpose for which it was originally intended, namely, to erect a monument to the memory of those who fell at the battle of Stone River. He referred to Col. Shepard's real estate property in New-York, in coal lands in Pennsylvania, and other investments, amounting in the aggregate to at least ten times the amount of the monument fund, which was originally not more than \$2,000, and contended that, under all the circumstances, no blame could be attached to him for appropriating the monument fund, believing, as he did, that he could at any time furnish the amount by effecting the sale of a portion of his property, but which, owing to the great depression which had recently prevailed in the real estate market, he was unable to do when pressed by the committee of officers who had taken the matter in charge. He argued that there was nothing reprehensible in Col. Shepard's action in relation to the fund, and that since he had never denied it, never refused to surrender it to those duly authorized to receive it, and was still ready and willing to hand it over as soon as he could realize the amount from his property, the court was bound to acquit him. Col. Leiber, as Judge Advocate, delivered a brief but forcible address in which he called the attention of the court to the nature of the evidence which had been introduced against Col. Shepard. He believed that the committee named in 1875, to look after the monument fund, was properly appointed and was duly authorized to receive the funds from Col. Shepard, and pointed out the inconsistency with which the accused had dealt with this committee from the commencement of their negotiations with him in 1875, at one time recognizing their authority to receive it and promising to hand it over, and then denying their authority. He dwelt particularly upon the fact that it was 14 years since the fund intrusted to Col. Shepard was created for the sacred purpose of erecting a monument to the fallen heroes of the battle of Stone River, and he would ask what became of that fund, and upon whom should the blame rest for its misappropriation if not upon the accused. He also called the attention of the court to the sacredness with which such a fund should have been guarded, and imprecated the fact upon them that money received in trust should under no circumstances be appropriated for any other purpose than that for which it was intended. The court will probably render a decision in the case to-morrow, after which the evidence taken during the proceedings will be forwarded to the military authorities at Washington.

AN AMATEUR ATHLETIC ORGANIZATION.

SUM
After the reading of the bill authorizing the bonds. An amendment was voted for the bonds bearing the highest amount was adopted instead of 3.65 per cent. Amendments were made in the resolution respecting it order to come up first to the Fortifications App the House. A bill app fire-proof building for ti reported. The bill author to try timber land panch turned vetoed. He said The Deficiency bill was Whole. Mr. Garfield in speech of Tuesday. The bill was reported, and or

SEN
The Vice-President communication from the answer to the Senate re closing a report of Surge relating to the conduct of United States steamer H Ordered that it be print mitted on Naval Affairs.

THE TIM
Mr. CHAFFIN, of Oak on Public Lands, reports ate bill authorizing the c and the Territories to fel public domain for min Placed on the calendar.

THAT PER
Mr. PADDOCK, of Nebri on Public Lands, submit the committee, in con William McGarrath, to per, take testimony, and the expenses to be paid o of the Senate. In expla said this case had give much trouble. It was on Public Lands, and testimony, that an intelli case might be had. The

THE LONG BO
The Senate resumed t to authorize a long bond ing. Several verbal am Mr. COCKRELL, of Mis the words "in coin" in th redeemable in coin afte their issue. In support o "Prior to 1862 the G States had never issued which called for payme to using the word "col country."

The amendment was re Mr. DONKAT, of Arkan section which provides th for coin or for United. Si the rate at which they m striking out the words, " may stand in the market amendment was to have i coin or legal-tender notes call.

Mr. COCKRELL moved t the section so as to read: bonds shall be applied to t ing bonds of the United S

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rt, child, aged 1.

NG CHURCH DEBTS.

IN PHILADELPHIA—\$30,000
FOR BETHANY CHURCH—THE
A PRESBYTERIAN CHURCH AT

Dispatch to the New-York Times.

PA, April 7.—Mr. Kimball, who
much value to congregations in va-
country, made his first appearance
day at the Bethany Presbyterian
ly known as John Wanamaker's
Kimball came to the city quietly
quarters at the St. George Hotel.
or be seen except by the parties
d. The purpose of this was after-
in. On Saturday evening every
ongregation and their friends who
lived a postal card requesting their
the church to-day to hear an
ncement from the Pastor, Rev. Mr.
se the church was crowded at the
and Mr. Kimball was introduced.
e manner he immediately began
t with much success. He continued
oon and evening, and as a result
o-night the church was \$30,000
debt than it was before. The Beth-
is composed mostly of work-peo-
ball's work is considered satisfac-

Dispatch to the Associated Press.

Y., April 7.—In the Presbyte-
re Roswell Smith began about nine
ise a debt of \$43,000, and where
ached about two weeks ago, it was
that the amount had been raised
in appeal was then made by the
few minutes \$640 were subscribed,
rejoicing, appropriate services were
fourth anniversary of the congrega-
new church.

CHURCH MATTERS.

IE, April 7.—The Eastern New-
ethodist Episcopal Conference has
our days and will close to-morrow,
terests will be announced.

April 7.—The Vestry of the Mon-
has called Rev. G. Armstrong,
et Va., to the pastorate of that
as accepted.

EXTENSIVE MUSICAL FESTIVAL.

April 7.—The sale of season
y Musical Festival will commence
11th. During Monday and Tuesday
will be disposed of at auction.
is expected to 100 tickets each.
that the amount will be large.
1,000 persons will be present.

I am, therefore, of opinion that the facts alleged
in the plea are not a valid defense to prevent a judg-
ment against the defendant. *de bonis decedentis*
As it is not suggested that the defendant has any
other ground of defense, the demurrer is sustained,
and judgment should be rendered against him as
Administrator *de bonis non*, solely *de bonis decedentis*,
for the sum of \$10,280, with interest on \$5,140
thereof from Feb. 26, 1877, and on \$5,140 thereof
from April 26, 1877, at 6 per cent.

STRIKES IN KANSAS.

THE SANTA FE RAILROAD COMPANY HOLDING
OUT—LABORERS ON A NEW INSANE ASY-
LUM AT TOPEKA ON STRIKE.

TOPEKA, Kan., April 7.—The Atchison,
Topeka, and Santa Fé Railroad Company are strong
in their determination not to yield to the strikers,
and will make no concessions. No freight trains will
move until Monday. A special from Newton, Kan.,
says there has been no discontent existing west
of Emporia outside of a few persons, as is evidenced
by the fact that only eight engineers out of the whole
number employed on the 565 miles of road from
Emporia to Pueblo have stopped work; and, further,
that not only have trains been running so long as
there were freight and passengers to haul west of
Emporia, but engineers from this division have been
taking passenger trains through from Newton to
Kansas City.

A strike occurred yesterday at the Insane Asylum,
which is being built at Topeka. The contractor, Mr.
McGonigal, receives pay upon estimates submitted
to the board at their meeting monthly or every two
months. The strikers are the sub-contractors and men
who say that they have not been paid as they should
be. There is, however, no excitement in consequence
of the strike. The grademen at the asylum have
also struck because they have not been paid. Mr.
Trickey has the contract for grading. The non-pay-
ments are not, of course, the fault of the State or of
the board. All will probably be settled soon.

COURT-MARTIAL OF COL. SHEPHERD.

PROVIDENCE, R. I., April 7.—Col. O. S. Shep-
herd, of Newport, a retired officer of the United
States Army, has been tried by court-martial for
neglecting to pay over the fund contributed by his
brother officers in 1864 for a monument on the
Stone River Battle Ground, and President Hayes has
approved the sentence, which is that Col. Shepherd
be confined within the limits of the post at Fort
Adams for one year, and thereafter until the money,
\$1,903, with interest from 1864, shall be paid. Col.
Shepherd was put under arrest yesterday.

DEATH OF Mlle. VOLANTE (NELLIE MOLOY.)

PROVIDENCE, R. I., April 7.—Mlle. Volante,
or Nellie Molloy, who was fatally shot on the Opera-
house stage at Pawtucket, lingered until this even-
ing, and died about 9 o'clock. Her sister, from
Brooklyn, N. Y., was present, and a brother from
Phelps, Ontario County, N. Y., is expected to-night.
She was 23 years of age. Her sister was the only
one of her family who knew she was on the stage.

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SINKING OF

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8 APR 1898
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A deputation from the "Arboretum and Botanical Garden Company," consisting of Arnold & Constable, Park Commissioners yesterday, presented a draft of a bill to the Legislature for the purpose of transmitting to the Commissioners to transmit to the Legislature for approval. The bill provides for the establishment of a botanical and zoological garden in the eastern portion of the Park, in the block between Ninety-seventh-street and Tenth-street, and from the western boundary of the Park to the outer boundary of the Park. The bill provides that the garden be established with private capital, and that the deputation that the matter further, and give the bill. The Commissioners were appointed a committee of owners of property in the Park, a thoroughfare extending from the northern boundary to the southern boundary, requested them to acquire title to the land in accordance with the request the committee was instructed to begin necessary to acquire the title.

RENUMBERING NORTH The Dock Commissioners

and make the boys employed by the combined organ to watch their beds in the bay. Daniel Van Pelt, another one of the Jersey crew, was before the court yesterday, he being the last one to receive sentence, which was similar to those in the other cases.

THE SHEPARD COURT-MARTIAL.

CLOSE OF THE CASE FOR THE PROSECUTION
—FAVORABLE TESTIMONY FOR THE DEFENSE—AN ACQUITTAL EXPECTED.

The court-martial, appointed to inquire into the charges made against Col. Shepard in reference to the fund deposited with him in 1904 for the purpose of erecting a monument to the memory of the officers and soldiers who were killed at the battle of Stone River, resumed its session yesterday morning at the Army Building in Houston-street. Col. William F. Barry, Second Artillery, presided. There were also present: Col. Henry J. Hunt, Fifth Artillery; Col. Marcus D. L. Simpson, Lieut. Col. Romeyn B. Ayres, Third Artillery; Lieut. Col. Elwell S. Otis, Twenty-second Infantry; Lieut. Col. Henry M. Black, Eighteenth Infantry; Lieut. Col. Channey McKeever, Major Gustavus A. DeRussy, Third Artillery; Major George F. Andrews, Fifth Artillery; Major John Hamilton, First Artillery; Major Clement J. Best, First Artillery; Major William M. Brown, Eighteenth Infantry; and also, the Judge-Advocate, Col. G. N. Leiber, and Col. O. L. Shephard and his counsel, Mr. Root. Col. G. N. Leiber, the Judge-Advocate, by whom the witnesses against Col. Shephard were examined, having announced to the court that the case for the prosecution had closed, Mr. Root, counsel for the accused, called Mr. Homer Morgan, of No. 2 Pine-street, as a witness for the defense. From the nature of the testimony given by Mr. Morgan there seems to be little doubt that Col. Shephard will be honorably acquitted of the charges preferred against him, although the case for the prosecution was so ably conducted by Col. Leiber that a decidedly unfavorable impression was created against Col. Shephard during the first sessions of the court. Every document bearing upon the question under consideration was methodically introduced and marked as an exhibit, and those, combined with the testimony of the witnesses examined by the Judge-Advocate appeared to make out a strong case against Col. Shephard. The testimony given by Mr. Morgan, however, has satisfactorily explained the position in which Col. Shephard has been placed during the past four or five years, and must restore him to the good opinion of his brother officers. Mr. Morgan is one of the largest real estate brokers in the city, and has been engaged in the business for upward of 40 years. He has known Col. Shephard for many years and was solicited by him to undertake several real estate operations for him within the past two or three years, which covers the period during which the negotiations were carried on between himself and the committee in New-York appointed to look after the monument fund. It appears from the testimony of Mr. Morgan that Col. Shephard owned a very valuable piece of property at One Hundred and Forty-first street, and other real estate property in One Hundred and Fifty-seventh-street. This property was valued at \$40,000 in 1904, besides which he owned a house in East Fifty-second-street. When Col. Shephard retired from the Army a few years ago he was worth over \$120,000, and consequently believed that he could at any time realize without difficulty the amount of the monument fund, which was originally only \$10,000, but which at present, with accrued interest, would be about \$25,000. When he allowed the monument fund of \$2,000, invested in Government bonds, to be appropriated for other than the purposes for which it was intended, he had not the remotest idea that he would have the least difficulty in raising the amount upon his property in New-York whenever he might be required to do so, but such has been the shrinkage in the value of real estate property within the past few years, and especially within the last six months, that although he imported Mr. Morgan to dispose of a portion of his property, it was found impossible to do so. Col. Shephard urged upon him the necessity of raising the sum of \$10,000, but \$3,000 or \$4,000 within the past two months, to meet pressing demands, but such was the condition of affairs at present in the real estate business that Mr. Morgan could not effect a sale. He believed that Col. Shephard's property in this city was fairly and honestly worth \$88,000 in 1904, at present it was not worth \$25,000. During the past year, and especially during the last six months, he stated that property has been more depreciated than it has been for the last 40 years; he believed it is more depreciated than it was in 1857. Although there were large capitalists in the city, he said, there was a general disinclination to lend money, or to make any investment in real estate, so that he experienced as much difficulty in effecting the sale of a house on the south side of Central Park as if it was 10 miles outside the city. Nobody, in fact, wanted to buy, and consequently those who desired to sell could find no purchasers, so great was the stagnation which prevailed. He made every effort to realize the amount required by Col. Shephard, but found it impossible to make a sale. Mr. Morgan's testimony produced the most favorable effect upon the members of the court, and his brother officers were glad to find an explanation of circumstances connected with the monument fund which appeared to cast grave suspicions upon his honor and integrity. It is expected that the trial will close to-morrow.

THE OPERATIONS OF A GANG OF REPEATERS DESCRIBED BY SEVERAL WITNESSES.

The investigation into the Pardy-Morris contest was resumed at the Ashland Hotel yesterday, by Messrs. Terry, Flah, Kern, and Strick, of the Assembly Committee. Mr. Pardy introduced several witnesses for the purpose of showing that the gang of repeaters who voted in three of the Westchester County towns worked in the interest of Mr. Morris.

The first witness was James O'Brien, who is employed as a hack-driver by William Withers, proprietor of the Oseco Hotel, West Chester. He testified that on the night before election day two strangers, called at the hotel and requested that a team be sent over to West Farms that night for 30 or 32 men, who, they asserted, were members of a circus company; witness afterward drove the two men, who addressed each other as Scott and Duffy, to Mount Vernon, where they visited the house of Mr. Pemberton, the Democratic candidate for County Judge; that gentleman not being at home, the men waited in his kitchen until 4 A. M. when they returned to West Chester, when witness entered the Oseco Hotel the dining-room was filled with strange men at breakfast.

William Withers, Sr., proprietor of the Oseco Hotel, testified that a man who gave the name of Benson, called at the hotel on the Sunday night preceding the election, accompanied by another man; at the request of Benson, witness agreed to provide accommodations the next night for 30 or 32 men, who were then at West Farms, and who were to be transferred in wagons on Monday night to West Chester; Benson casually mentioned that they were circus men, and witness entered into an agreement to take them at the rate of \$1 per head; he transformed his billiard room into a dormitory, and on Monday night, acting on the suggestion of Benson and his companion, sent one of his hired men to West Farms for the "circus men," who were transferred to the hotel in two loads; during Monday night the strangers held high carnival in the billiard-room, threatening witness with bodily violence, when he made a demand for the payment of their liquor bills; after breakfast Benson sent the crowd out with instructions to "put up the tent," a short time after one of them returned to the hotel, and in answer to a query from Benson whether he had voted, said, "Yes, by ——" witness subsequently visited the polling-place where an acquaintance told him that 30 of the strangers had voted; when he presented his bill to Benson that individual referred him to Henry B. Ford, Under Sheriff of White Plains, who denied that he had anything to do with the men, but at the same time assured him that he would get his money; Ford accompanied him to Mount Vernon, and leaving witness at a hotel there to await his return, proceeded to the house of Mr. Pemberton; Ford did not return, but in his place appeared a big man calling himself Dan Kelly, a light-house keeper at Port Morris, who told witness that he would get his money in a few days. Daniel Kelly, the light-house keeper, who was present in the room, stood up and faced the witness, who failed to recognize him as the big man mentioned. A week later, while witness was on the way to New-York, on board of a Morrisania boat, he was approached by a short, white-haired man who thrust an envelope into his hand and requested him to open it when he reached home; witness, on opening the envelope, found \$48, the full amount of his bill; Ford, of White Plains, afterward asked him whether he had got his money, and on receiving an affirmative answer, knowingly replied: "I knew you would get it." Mr. Withers concluded his testimony with the statement that as the man known as Benson was leaving the hotel, he threw away three dozen bundles of Pemberton's tickets; he examined the tickets carefully and did not find any Assembly ballots among them.

James Nugent of West Chester, testified that he was at the polls just before the hour of opening, and saw there a line of men apparently waiting to vote; they were all strangers to him, and he called the attention of James T. Lane, a member of the Town Democratic Committee to the men, and the latter made an investigation which resulted in his forming the opinion that the strangers were casting Morris ballots. Lawrence Farrell, a carpenter in the Protectory, who acted as a Democratic Inspector of Election at the West Chester Town Hall, testified that while he was on the way to the polls, early in the morning, 25 or 30 men emerged from the Oseco Hotel and he walked rapidly to the Town Hall after he had taken his post behind the ballot-boxes with the other inspectors, the men cast Assembly ballots, bearing witness that he believed to be the Morris endorsement; several of them who were challenged swore in their votes, giving the Oseco Hotel and West Chester as their place of residence. James T. Lane, a prominent member of the Westchester Democratic Committee, testified that he examined the tickets held by some of the repeaters and found that they included Richard Morris, for Assembly, and a long cross-examination, Lane admitted that he had been convicted on a charge of rape in Sing Sing Prison, he was pardoned by Gov. Hoffman. Mr. Nelson H. Baker, District Attorney of Westchester County, submitted a list of 30 persons against whom are pending indictments for illegal voting in the town of West Chester. Alexander Devlin, Constable of West Chester, and two citizens, were next examined relative to the operations of the "circus men," and gave testimony similar to that

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NEW YORK
TIMES

3 MAR 1878

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TRYING TO UNITE THE VARIOUS ELEMENTS OPPOSED TO TAMMANY HALL—THE DIFFICULTIES IN THE WAY.

The Executive Committee of the New-York County (Old Anti-Tammany) Democracy met last evening at the headquarters, No. 211 Union-square, Emanuel B. Hart presiding. Mr. Ira Shafer, on behalf of the Conference Committee, reported that a conference, with a view to union, had been held with Messrs. Cooper and Ottendorfer, and they suggested that the committee should meet the gentlemen who have their headquarters at the Everett House and are presided over by ex-Register John McCook. It was understood that whatever took place at the proposed meeting should not be binding. The committee subsequently met, with Messrs. Hubert O. Thompson, James E. Morrison, ex-Senator John Fox, and others who had formerly acted with the County Democracy. There was a free and full conversation in regard to local political affairs. Mr. Emanuel B. Hart, on the part of the committee, proposed that inasmuch as the County Democracy had an organization, and had existed since 1875, there was no objection to the gentlemen who met at the Everett House joining with it in the war against Tammany Hall. He stated that neither he [Mr. Hart] nor Mr. Shafer desired to retain their positions in the County Democratic organization, the former as the Chairman of its Executive Committee and the latter as Chairman of its General Committee; they were perfectly willing to vacate their offices. Mr. Nelson J. Waterbury, speaking for the Everett House gentlemen, said that the County Democracy was a thing of the past, and argued that there must be an entirely new organization formed, and others of those present appeared to concur with him. As the committee had no power to disband the organization, all that could be done was to make an appointment to meet with the Everett House party next Friday. Mr. Shafer said that it was a matter of judgment as to whether the County Democracy should disband. There was no disguising the fact that it had an organization. There had been some dissatisfaction, but the mass of the Anti-Tammany Democrats was with it. If a disbandment took place its disbanded members would be confronted with the Brunswick Hotel Democracy, of which Mr. John B. Haskin, who had formerly been identified with Tammany Hall, was Chairman, and of which Mr. James O'Brien, who had formerly been a member of their own organization, and who had left for inexplicable reasons, was a leading member. It was true that friends had been found at the Everett House, but there were others who had been dissatisfied with the organization, and the latter asked them to lay down their arms and join hands. He was not prepared to say that a union was as yet expedient.

Mr. Shafer moved that the committee be instructed to report to the Everett House Democrats that it was the sense of the meeting that it was inexpedient to disband the organization, but that it was entirely willing to unite with all Democrats opposed to Tammany Hall. Judge Henry D. Murray thought it would be expedient to join with the Everett House Democrats. He thanked the organization for its uniform kindness to him since his connection with it, and said he had the kindest feelings for it. Something, however, should be done to unite the elements opposed to Tammany Hall. Messrs. Shafer, Bixby, Hart, and others were highly respected by the Everett House gentlemen, and would have due strength in any organization formed under their auspices. It was well known that their organization could not win single-handed. He favored a union with the Brunswick Hotel Democrats and all honestly opposed to Tammany Hall. Senator Bixby opposed a disbandment. The organization had been formed out of the Apollo Hall Democracy, and had been battling with Tammany Hall for 10 years. There was nothing known positively as to the strength of the Everett House Party, and he

be carried on before the matter is finally settled.

THE SHEPARD COURT-MARTIAL. CLOSING ARGUMENTS ON BOTH SIDES—PROBABILITY THAT A DECISION WILL BE REACHED TO-MORROW.

The testimony in the Shepard court-martial, which has been in session at the Army Building, in Houston-street, during the past week, having closed on Tuesday, the court heard the arguments of Mr. Elihu Root for the defense yesterday, and of the Judge Advocate, Col. G. N. Leiber, for the prosecution. Mr. Root delivered an impressive address to the members of the court, in the course of which he reviewed the evidence of Mr. Homer Morgan and other real estate brokers who were examined as witnesses for the defense, with the view of establishing the innocence of Col. Shepard in respect to the charges made against him. He argued that the accused never had any intention of diverting the monument fund subscribed by the officers and soldiers of the Regular Brigade, Army of the Cumberland, from the purpose for which it was originally intended, namely, to erect a monument to the memory of those who fell at the battle of Stone River. He referred to Col. Shepard's real estate property in New-York, in coal lands in Pennsylvania, and other investments, amounting in the aggregate to at least ten times the amount of the monument fund, which was originally not more than \$2,000, and contended that, under all the circumstances, no blame could be attached to him for appropriating the monument fund, believing, as he did, that he could at any time furnish the amount by effecting the sale of a portion of his property, but which, owing to the great depression which had recently prevailed in the real estate market, he was unable to do when pressed by the committee of officers who had taken the matter in charge. He argued that there was nothing reprehensible in Col. Shepard's action in relation to the fund, and that since he had never denied it, never refused to surrender it to those duly authorized to receive it, and was still ready and willing to hand it over as soon as he could realize the amount from his property, the court was bound to acquit him. Col. Leiber, as Judge Advocate, delivered a brief but forcible address in which he called the attention of the court to the nature of the evidence which had been introduced against Col. Shepard. He believed that the committee named in 1875, to look after the monument fund, was properly appointed and was duly authorized to receive the funds from Col. Shepard, and pointed out the inconsistency with which the accused had dealt with this committee from the commencement of their negotiations with him in 1875, at one time recognizing their authority to receive it and promising to hand it over, and then denying their authority. He dwelt particularly upon the fact that it was 14 years since the fund intrusted to Col. Shepard was created for the sacred purpose of erecting a monument to the fallen heroes of the battle of Stone River, and he would ask what became of that fund, and upon whom should the blame rest for its misappropriation if not upon the accused. He also called the attention of the court to the sacredness with which such a fund should have been guarded, and impressed the fact upon them that money received in trust should under no circumstances be appropriated for any other purpose than that for which it was intended. The court will probably render a decision in the case to-morrow, after which the evidence taken during the proceedings will be forwarded to the military authorities at Washington.

AN AMATEUR ATHLETIC ORGANIZATION.

A corporation of amateur athletes was held

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After the routine for the bill authorizing the sinking. An amendment was received for the bonds bearing the highest interest was adopted instead of 2.65 per cent. Amendments were made in the resolution respecting it in order to come up first to

The Fortifications App the House. A bill app fire-proof building for it reported. The bill author to try timber land plans turned vetoed. No act The Defense bill can Whole. Mr. Garfield, in speech of Tuesday. The bill was reported, and or

SEE

The Vice-President communication from the answer to the Senate re: closing a report of Sarge lating to the conduct of United States steamer H Ordered that it be print mitted on Naval Affairs.

THE TIME

Mr. CHAFFIN, of Cal on Public Lands, reports ate bill authorizing the el and the Territories to fel public domain for min Placed on the calendar.

THAT FIRST

Mr. PADDICK, of Neb on Public Lands, submit the committee, in con William McGarrath, to pera, take testimony, and the expenses to be paid o of the Senate. In expl said this case had give much trouble. It was on Public Lands, and testimony, that an intelli case might be had. The

THE LONG BOX

The Senate resumed t to authorize a long bond ing. Several verbal an

Mr. COCKRILL, of Mir the words "in coin" in th redeemable in coin afte their issue. In support o "Prior to 1862 the G States had never issued which called for payme to using the word 'co country."

The amendment was re Mr. DORRIS, of Arkan section which provides th for coin or for United. St the rate at which they m striking out the words, " may stand in the market, amendment was to have coin or local-tender notes, call.

Mr. COCKRILL moved t the section so as to read bonds shall be applied to t ing bonds of the United S and have the highest rate

ITT, child, aged 1.

ING CHURCH DEBTS.

L IN PHILADELPHIA—\$30,000
FOR BETHANY CHURCH—THE
A PRESBYTERIAN CHURCH AT

Dispatch to the New-York Times.

PHIA, April 7.—Mr. Kimball, who
o much value to congregations in va-
ne country, made his first appearance
o-day at the Bethany Presbyterian
arly known as John Wanamaker's
Kimball came to the city quietly
quarters at the St. George Hotel.
ee or be seen except by the parties
ted. The purpose of this was after-
ain. On Saturday evening every
congregation and their friends who
elved a postal card requesting their
the church to-day to hear an
uncement from the Pastor, Rev. Mr.
ure the church was crowded at the
ea, and Mr. Kimball was introduced.
ive manner he immediately began
et with much success. He continued
noon and evening, and as a result
to-night the church was \$30,000
n debt than it was before. The Beth-
on is composed mostly of work-peo-
eball's work is considered satisfac-

Dispatch to the Associated Press.

N. Y., April 7.—In the Presbyte-
ere Roswell Smith began about nine
raise a debt of \$43,000, and where
reached about two weeks ago, it was
y that the amount had been raised
An appeal was then made by the
few minutes \$640 were subscribed,
alrejoicing, appropriate services were
fourth anniversary of the congrega-
the new church.

CHURCH MATTERS.

ate, April 7.—The Eastern New-
Methodist Episcopal Conference has
four days and will close to-morrow.
ntments will be announced.

ic, April 7.—The Vestry of the Mos-
k has called Rev. G. Armstrong,
West Va., to the pastorate of that
has accepted.

MAXIMUS MUSICAL FESTIVAL.

April 7.—The sale of season
ay Musical Festival will commence
During Monday and Tuesday
will be disposed of at auction,
in the hall to 10 o'clock each
that the amount will be large
of the season.

"I am, therefore, of opinion that the facts alleged
in the plea are not a valid defense to prevent a judg-
ment against the defendant. *de bonis decedentis*
As it is not suggested that the defendant has any
other ground of defense, the demurrer is sustained,
and judgment should be rendered against him as
Administrator *de bonis non, solely de bonis decedentis*,
for the sum of \$10,280, with interest on \$5,140
thereof from Feb. 26, 1877, and on \$5,140 thereof
from April 26, 1877, at 6 per cent.

STRIKES IN KANSAS.

THE SANTA FE RAILROAD COMPANY HOLDING
OUT—LABORERS ON A NEW INSANE ASY-
LUM AT TOPEKA ON STRIKE.

TOPEKA, Kan., April 7.—The Atchison,
Topeka, and Santa Fé Railroad Company are strong
in their determination not to yield to the strikers,
and will make no concessions. No freight trains will
move until Monday. A special from Newton, Kan.,
says there has been no discontent existing west
of Emporia outside of a few persons, as is evidenced
by the fact that only eight engineers out of the whole
number employed on the 565 miles of road from
Emporia to Pueblo have stopped work; and, further,
that not only have trains been running so long as
there were freight and passengers to haul west of
Emporia, but engineers from this division have been
taking passenger trains through from Newton to
Kansas City.

A strike occurred yesterday at the Insane Asylum,
which is being built at Topeka. The contractor, Mr.
McGonigal, receives pay upon estimates submitted
to the board at their meeting monthly or every two
months. The strikers are the sub-contractors and men
who say that they have not been paid as they should
be. There is, however, no excitement in consequence
of the strike. The grademen at the asylum have
also struck because they have not been paid. Mr.
Trickey has the contract for grading. The non-pay-
ments are not, of course, the fault of the State or of
the board. All will probably be settled soon.

COURT-MARTIAL OF COL. SHEPHERD.

PROVIDENCE, R. I., April 7.—Col. O. S. Shep-
herd, of Newport, a retired officer of the United
States Army, has been tried by court-martial for
neglecting to pay over the fund contributed by his
brother officers in 1864 for a monument on the
Stone River Battle Ground, and President Hayes has
approved the sentence, which is that Col. Shepherd
be confined within the limits of the post at Fort
Adams for one year, and thereafter until the money,
\$1,908, with interest from 1864, shall be paid. Col.
Shepherd was put under arrest yesterday.

DEATH OF Mlle. VOLANTE (NELLIE MOLOY.)

PROVIDENCE, R. I., April 7.—Mlle. Volante,
or Nellie Molloy, who was fatally shot on the Opera-
house stage, at Pawtucket, lingered until this even-
ing, and died about 9 o'clock. Her sister, from
Brooklyn, N. Y., was present, and a brother from
Phelps, Ontario County, N. Y., is expected to-night.
She was 23 years of age. Her sister was the only
one of her family who knew she was on the stage.

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SINKING OF
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NEW YORK TIMES

8 APR 1878

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For More Information on

Joseph R. Prentice

See: Miscellaneous Files

under: Individuals in the Civil War